

REMARKS

This Amendment in an RCE is in response to the final Office Action of January 30, 2009 in which claims 1-22, 24-31 and 62-89 were rejected.

I. Amendments

In the independent claims, the physical manipulation detected by the at least one sensor has been specified (original disclosure: page 18, line 28 through page 19, line 5 corresponding to par. 0063 of the published application US 2005/0198029).

In addition, it has been specified that the application, of which the behavior is adapted, is an application making use of the established communication channel (original disclosure: page 40, line 15 through page 42, line 7 corresponding to par. 0154-0160 of the published application US 2005/0198029).

Claims 62, 63, 86 and 87 have been cancelled.

A dependent apparatus claim 90 has been added, according to which the apparatus comprises the at least one sensor (original disclosure: sensors 67 of device 50 in Figure 5).

II. Novelty and non-obviousness

The Examiner considered the subject matter of claim 1 to be anticipated by *Libes*. The Examiner considered in particular the broadest interpretation of a physical manipulation of a device to include pressing a button or screen, placing a device next to another object or receiving some input from an external source. *Libes* was considered to disclose a detection whether objects are touching, are nearby or both in physical contact with a user.

Claim 1 has therefore been further specified to require a sensor to detect quite specific physical manipulations, which neither include a regular user input (e.g. via buttons, touchscreen) nor a relation to or interaction with another device.

Thus, the disclosure of *Libes* is not suited to anticipate the physical manipulation that is detected according to amended claim 1.

In addition, it has been specified in claim 1 that the measurement results of the sensor are not considered for adapting the behavior of an application that is used in the detection of a hugging state or the establishment of a communication channel. Rather, it is now explicitly required that the application of which the behavior is adapted based on the measurement results of the at least one sensor is an application making use of the established communication channel. Paragraphs 33-39 of *Libes*, to which the Examiner referred, relate throughout to a handshaking (which might be considered at the most to correspond to the detection of hugging state in claim 1 preceding the establishment of the communication channel) and the establishment of a link (see also the introduction to the cited paragraphs in par. 32 of *Libes*). They do not relate to the use of an established link by some application.

The Examiner referred for claim 63 - which already mentioned that the application uses the communication link - to Figure 21 of *Libes*. However, the only comment on an established connection in associated paragraph 45 of *Libes* is that some "successful notification" is provided to a device. In any case there is no disclosure of adapting the behavior of an application making use of the established link based on the measurement results of a sensor that is suited to detect a physical manipulation as defined in claim 1.

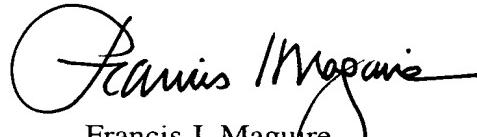
On the whole, it becomes apparent that claim 1 is neither anticipated nor rendered obvious by the cited reference.

The same applies to the **other independent claims**, which comprise corresponding features, and consequently to the **dependent claims** as well.

It is not believed that any extra claims fees are due on account of this amendment. However, if this belief is incorrect, the Commissioner is authorized to deduct the correct fee from our Deposit Account No. 23-0442. Likewise, it is not believed there are any extension of time fees due but if this belief is incorrect, the Commissioner is authorized to consider this paper as a petition for the correct extension period and to deduct the appropriate fee from our Deposit Account No. 23-0442.

The objections and rejections of the Office Action of January 30, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of amended claims 1-22, 24-31, 64-85 and 88-90 to issue, is earnestly solicited.

Respectfully submitted,



Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234